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8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MARISOL LOPEZ,

15 Defendant.

Case No. 2:15-cr-254-KJD-GWF

**MOTION TO CONTINUE REVOCATION  
OF PRETRIAL RELEASE HEARING**

(Expedited Treatment Requested)

16  
17 Comes now, Marisol Lopez, by and through her attorney, Heidi Ojeda, Assistant Federal Public  
18 Defender, and hereby requests the Court continue the revocation hearing currently set for December 19,  
19 2016 at 1:30 p.m. Ms. Lopez is requesting the hearing be continued for at least 2 weeks.

20 On August 15, 2015, Ms. Lopez appeared for her initial appearance and was released back to  
21 her residence in California with certain conditions. PR Bond # 5. Since August of 2015, until just  
22 recently, Ms. Lopez complied with all the terms of her release. In fact, in February of 2016, Ms. Lopez  
23 petitioned the Court to add a condition of mental health treatment so she could get assistance processing  
24 the stress of this case and her 13-year-old son's battle with cancer. CR#28.

25 Ms. Lopez is a single parent to 6 children, 5 of which are still living with her. Ms. Lopez's 13  
26 year-old-son was diagnosed with stage 4 cancer shortly after Ms. Lopez was arrested on this case, and

1 last December, her son's foot had to be amputated due to the cancer.<sup>1</sup> Although initially the prognosis  
 2 was not very good, Ms. Lopez's son has responded well to the chemotherapy treatment. Initially, doctors  
 3 believed that her son would require surgery on both lungs given the number of cancerous tumors. Now,  
 4 after having just finished another round of chemotherapy, her son's prognosis is better. This week, her  
 5 son starts 5 rounds of radiation therapy. This radiation therapy requires Ms. Lopez and her son to be in  
 6 the hospital every other day over the next 2 weeks. Assuming this radiation therapy goes well, her son  
 7 should not need any immediate treatment for his cancer in the foreseeable future.

8 Ms. Lopez is the only one able to be there for her son during these radiation treatments.  
 9 Currently, the hearing for revocation is set for December 19, 2016, which will be during the radiation  
 10 treatments. Ms. Lopez is therefore requesting that this court continue the revocation hearing for 2 weeks  
 11 to allow her time to be there with her 13-year-old son as he completes his radiation therapy.

12 Ms. Lopez was originally arrested in California on the Pretrial Services violations. Ms. Lopez  
 13 was released by the California court and told to appear in Las Vegas on December 8, 2016. Ms. Lopez  
 14 appeared as directed. Ms. Lopez has no criminal history and no history of failures to appear. She has  
 15 driven from California to Las Vegas to appear at every court appearance to-date. Further, she is in  
 16 constant communication with counsel about this case and any scheduling conflicts.

17 For all these reasons, Ms. Lopez respectfully requests that the Court continue her revocation  
 18 hearing for 2 weeks to allow Ms. Lopez's son to complete his radiation therapy prior to her having to  
 19 travel to Las Vegas for her revocation hearing.

20 DATED this 12<sup>th</sup> day of December, 2016.

21 Respectfully submitted,  
 22 RENE L. VALLADARES  
 Federal Public Defender

23 By /s/Heidi A. Ojeda  
 24 HEIDI A. OJEDA  
 Assistant Federal Public Defender

25 \_\_\_\_\_  
 26 <sup>1</sup> Undersigned counsel has medical records, photographs and has personally spoken with Ms. Lopez's son's doctor concerning his condition. The Government has also been provided with medical records concerning her son's cancer.

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
MARISOL LOPEZ  
Defendant.

**PROPOSED ORDER**

IT IS HEREBY ORDERED that the Revocation hearing currently scheduled for Monday, December 19, 2016 at the hour of 1:30 p.m., be vacated and continued to January 9, 2017 at the hour of 10:00 a.m.

DATED this 13<sup>th</sup> day of December, 2016.

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**CERTIFICATE OF ELECTRONIC SERVICE**

The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on December 12, 2016, she served an electronic copy of the above and foregoing **MOTION TO CONTINUE REVOCATION OF PRETRIAL RELEASE HEARING** [Expedited Treatment Requested] by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN  
United States Attorney  
BRANDON JARROCH  
Assistant United States Attorney  
501 Las Vegas Blvd. South  
Suite 1100  
Las Vegas, NV 89101

/s/ Lauren Pullen  
Employee of the Federal Public Defender